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12 Attorneys for Defendant
FEDEX GROUND PACKAGE SYSTEM, INC.

14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION

18 MICHELLE HINDS, an individual, and
TYRONE POWELL, an individual,

19 Plaintiffs,

20 vs.

21 FEDEX GROUND PACKAGE SYSTEM,
INC., a Delaware corporation; and BAY RIM
22 SERVICES, INC., a California corporation,

23 Defendants.

Case No. 4:18-cv-01431-JSW (AGT)

NEUTRAL STATEMENT OF THE CASE

Action Filed: March 5, 2018
FAC Filed: May 10, 2018
Trial: October 24, 2022

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1 This lawsuit was brought by Ms. Hinds and Mr. Powell (the “Plaintiffs”) against Bay
2 Rim and FedEx Ground (the “Defendants”), claiming that both Bay Rim and FedEx Ground
3 employed them, and that both failed to provide rest and meal breaks, failed to pay overtime,
4 failed to provide proper wage statements, and failed to pay wages due on termination.

5 FedEx Ground provides package pickup, delivery, and information services to
6 businesses and residences throughout the United States by entering into contracts with
7 thousands of businesses called Service Providers. These Service Providers provide “first” and
8 “last” mile pickup and delivery services from homes and offices. There are approximately 580
9 Service Providers in California employing more than 20,000 individuals.

10 Plaintiffs Hinds and Powell worked as delivery drivers for one of these businesses, a
11 company named Bay Rim Services. At any given time, Bay Rim owned approximately 12
12 vehicles and employed approximately 11 drivers for the package pickup and delivery side of its
13 business. Bay Rim operated this business from 2014 until its contract expired in March of
14 2018.

15 Ms. Hinds worked for Bay Rim from July 2017 to February 2018. Mr. Powell worked
16 for Bay Rim from November 2017 to January 2018. There is no dispute in this case that
17 Ms. Hinds and Mr. Powell were employees of Bay Rim. But Ms. Hinds and Mr. Powell also
18 claim, and FedEx Ground denies, that FedEx Ground was also their employer—a “joint
19 employer.”

20 You will be deciding the claims and defenses presented to you for decision as to both
21 Bay Rim and FedEx Ground.
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Respectfully submitted,

DATE: September 16, 2022

AIMAN-SMITH & MARCY

By: /s/ Joseph Clapp

Joseph Clapp

Attorney for Plaintiffs

MICHELLE HINDS & TYRONE POWELL

DATE: September 16, 2022

WHEELER TRIGG O'DONNELL LLP

By: /s/ Jessica G. Scott

Jessica G. Scott

Attorney for Defendant

FEDEX GROUND PACKAGE SYSTEM, INC.

ECF ATTESTATION

Pursuant to Civil L. R. 5-1(i) the filer attests that concurrence in the filing of this document has been obtained from each of the other signatories thereto.

Date: September 16, 2022

/s/ Jessica G. Scott